

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte LEV M. BOLOTIN

Appeal No. 2002-1195
Application No. 09/419,162

ON BRIEF

Before COHEN, NASE, and BAHR, Administrative Patent Judges.
NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 30. Claims 31 to 42, which are the only other claims pending in this application, have been

BACKGROUND

The appellant's invention relates to production of electronic circuit boards incorporating programmable integrated circuits (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellant's brief.

Claims 1 to 6, 8 to 14 and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,870,820¹ to Arakawa et al. (Arakawa).

Claims 7 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Arakawa.

Claims 17 to 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Arakawa in view of the appellant's Admitted Prior Art (APA) set forth on pages 2-3 of the specification.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the answer

reply brief (Paper No. 17, filed April 22, 2002) for the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

The anticipation rejection

We will not sustain the rejection of claims 1 to 6, 8 to 14 and 16 under 35 U.S.C. § 102(e).

To support a rejection of a claim under 35 U.S.C. § 102(e), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026

In this case, the limitation reciting "a processing mechanism capable of receiving the unprocessed micro device from the feeder mechanism and processing the unprocessed micro device to produce a processed micro device" contained in each of the claims subject to this rejection is not found in Arakawa for the reasons set forth by the appellant in the brief (pp. 3-6) and reply brief (pp. 1-3). In the anticipation rejection before us in this appeal (answer, p. 3), the examiner set forth that the above-noted processing mechanism was readable on Arakawa's element numbered 19. However, Arakawa's identifies element numbered 19 as a socket board rack which accommodates a plurality of socket boards 1. Since the socket board rack 19 disclosed by Arakawa is not **capable of**² performing the function of processing an unprocessed micro device to produce a processed micro device, the claimed processing mechanism is not readable on Arakawa's socket board rack 19. Moreover, there is no structure disclosed in Arakawa that is not **capable of** performing the function of processing an unprocessed micro device to produce a processed micro device. Thus, the subject matter of claims 1 to 6, 8 to 14 and 16 is not anticipated by Arakawa. Accordingly, the decision of the examiner to reject claims 1 to 6, 8 to 14 and 16 under 35 U.S.C. § 102(e) is reversed.

The obviousness rejection of claims 7 and 15

We will not sustain the rejection of dependent claims 7 and 15 under 35 U.S.C. § 103 since the subject matter of their respective parent claims is not taught by Arakawa for the reasons set forth above and the examiner has not set forth any rationale in the rejection of claims 7 and 15 as to why it would have been obvious at the time the invention was made to a person of ordinary skill in the art to have provided Arakawa's system with a processing mechanism capable of receiving the unprocessed micro device from the feeder mechanism and processing the unprocessed micro device to produce a processed micro device.

The obviousness rejection of claims 17 to 30

We will not sustain the rejection of claims 17 to 30 under 35 U.S.C. § 103.

While a mechanism capable of processing unprocessed micro device to produce a processed micro device was known in the prior art (i.e., the APA), we see no reason for a person of ordinary skill in the art at the time the invention was made to have situated such a processing machine within the system taught by Arakawa. At best, it

trays 4). However, such a combination of the APA and Arakawa would not arrive at the subject matter of claims 17 to 30 since it would not include (1) a feeder mechanism capable of providing an unprogrammed electronic device; (2) a programming mechanism capable of receiving the unprogrammed electronic device from the feeder mechanism and programming the unprogrammed electronic device to produce a programmed electronic device; and (3) a buffer mechanism capable of receiving the programmed electronic device from the programming mechanism and providing the programmed electronic device as required to a production assembly line.

For the reasons set forth above, the decision of the examiner to reject claims 17 to 30 under 35 U.S.C. § 103 is reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1 to 6, 8 to 14 and 16 under 35 U.S.C. § 102(e) is reversed and the decision of the examiner to reject claims 7, 15 and 17 to 30 under 35 U.S.C. § 103 is reversed.

REVERSED

IRWIN CHARLES COHEN
Administrative Patent Judge

JEFFREY V. NASE
Administrative Patent Judge

JENNIFER D. BAHR
Administrative Patent Judge

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